

REMARKS

Claims 1-3, 8-11, 16-19, 24-28 and new claims 29-31 are now in this application. Claims 1-3, 8-11, 16-19 and 24-28 are rejected. Claims 4-7, 12-15 and 20-23 are previously cancelled. Claims 1, 9 and 17 are amended herein to clarify the invention and/or to address matters of form unrelated to substantive patentability issues.

Initially, it is pointed out that a "first" Amendment Under 37 C.F.R. §1.116 was filed on December 29, 2003 by facsimile. In a conversation on February 9, 2004, the Examiner advised that this "first" Amendment was not docketed and thus was not considered as having been received. Therefore, a copy of the "first" Amendment (including a facsimile transmission certification on the first page) and a copy of the Auto-Reply Facsimile Transmission evidencing receipt of the Amendment by the U.S. Patent and Trademark Office on December 29, 2003 is attached to this "second" Amendment Under 37 C.F.R. §1.116. Entry of both Amendments is respectfully requested. The changes to the claims herein reflect changes made in the "first" Amendment.

Changes to the Claims

Claim 1 is amended to clarify that the display control unit is arranged to sequentially display an image corresponding to each of the predetermined number

of frames of the image data for the first action stored in the storage unit when the operation member is not operated “such that the moving action of the play character is displayed when the operation member is not operated”. The “predetermined number of frames” is previously defined in claim 1 as a “predetermined number of frames of image data for displaying a *first action relating to the moving action of the play character*”.

Claims 9 and 17 are also amended to clarify that the moving action of the play character is displayed when the operation member is not operated.

Claim Rejections-35 U.S.C. §102

Claims 1-3, 8-11, 16-19 and 24-28 are rejected under 35 U.S.C. §102(b) as being anticipated by the Susman reference (U.S. Patent No. 5,261,041).

The Examiner’s rejection is respectfully traversed on the grounds that the Susman reference does not disclose all of the features set forth in the claims.

In particular, Susman does not disclose a display control unit which has a particular mode of operation when an operation member is not operating as set forth in claim 1. In this mode, when the operation member is not operating, the display control unit sequentially displays an image corresponding to each of the predetermined number of frames stored in the storage unit. As defined in the clause relating to the storage unit, the predetermined number of frames of image data are for displaying a first action *relating to the moving action of the play character*. As

described in the specification at page 25, line 18 to page 26, line 1 with reference to Fig. 45A, when the operation member, controller 183, is not operating, a plurality of frames designated f_1 to f_n are sequentially displayed to convey an animated motion of the play character. Thus, the predetermined number of frames of image data for the first action inherently must be a plurality of frames in order to convey "action" of the play character and cannot comprise a single frame of image data.

Claims 9 and 17 each include the same feature of the sequential display of frames of the image data for the first action when the operation member is not operating.

In the Office Action, the Examiner states that the Susman reference includes a display control unit 101 which is coupled to an operation member and arranged to "sequentially display an image corresponding to each of the predetermined number of frames stored in the storage unit when the operation member is not operated - *when the image is not being moved, the same image is repeatedly displayed*" (emphasis added). The Examiner also states that this is inherent in frame animation techniques.

In contrast to the claimed embodiments of the invention, Susman describes repeatedly displaying a single image frame when the operation member is not operating, specifically, the last image frame before operation of the operation

member ceased. This last image frame is thus displayed as a stationary image, i.e., the display unit freezes the character in the last image.

The repeated display of a single image frame is not the same as or even comparable to a sequential display of an image corresponding to a predetermined number of frames of image data for displaying a first action relating to the moving action of a play character, i.e., the repeated display of a plurality of images which together convey or define a *moving image* of a play character. In the invention, a runner may be shown in a repeating running action or in a repeating winning action when the operation member is not operating. The sequential display of the predetermined number of frames of image data for a first action create continued movement on the screen even when the operation member is no longer operating.

Since Susman does not disclose, teach or suggest sequentially displaying a series of images, which combine to form a moving action of a play character, when an operation member is not operating, it cannot anticipate the embodiments of the invention set forth in claims 1-3, 8-11, 16-19 and 24-28.

Moreover, with respect to claims 8, 16 and 24 (as well as new claims 29-31), Susman also does not disclose the features of these claims. These claims include the features of the unit moved amount of the play character being set at a constant value “regardless of the moving speed of the play character” and the distance between the predetermined position and the reference position (over which

the play character is moved by the operation member) being a multiple of the unit moved amount. In these embodiments, the switching position of the first and second actions, i.e., the position at which the first action is changed into the second action, can be set in the game before starting the game. This enable the design of the game to be easier and reduces computational burdens on the CPU by reducing calculation steps.

In the Office Action, the Examiner referred to Fig. 4 of Susman when discussing the rejection of claims 8, 16 and 24.

Fig. 4 of Susman shows a parametric path to describe motion of a polygon vertex through time (t). According to Susman, there is a parametric equation for every time-variant parameter of an object (referred to as a parameter path). Fig. 4 shows such a path as applied to positional parameters such as the vertex of a polygon since the application of the path to the positional parameter through time causes physical motion along a path through space. The equations for the motion along X-axis and Y-axis are as follows:

$$X(t) = 2t + 2$$

$$Y(t) = t + 5$$

These equations of motion describe linear motion with a constant speed with respect to time. For instance, a distance along X-axis (or along Y-axis) linearly increases in accordance with the passage of time. Specifically, a speed along X-axis

is "2" and a speed along Y-axis is "1" as can be obtained by differentiating the equation with respect to time (t).

In contrast to linear increase in the distance along the X and Y axes exemplified in Fig. 4 of Susman, in the embodiments of the invention set forth in claims 8, 16 and 24, the unit moved amount of the play character (distance in the X and Y directions) is set at a constant value "regardless of the moving speed of the play character", i.e., the moving speed changes but in spite of the changes in the moving speed, the unit moved distance does not change.

In view of the foregoing, Fig. 4 of Susman and the description thereof does not describe setting the distance of movement of a play character without variation as the moving speed of the play character varies. Rather, Susman teaches the exact opposite, i.e., changing the distance of movement of a play character as a function of the moving speed of the play character.

In view of the arguments presented above, it is respectfully submitted that Susman does not disclose all of the features set forth in the claims and therefore cannot anticipate the claimed invention.

New Claims

Claims 29-31 are added. Arguments are presented above in support of the patentability of these new claims.

Three independent claims in excess of three are added. Accordingly, please charge the fee of \$258 to Deposit Account No. 10-1250.

Petition for Extension of Time

Applicant respectfully requests a third month extension of time for responding to the Office Action. Please charge the fee of \$530 for the extension of time to Deposit Account No. 10-1250 (\$950 less the \$420 extension fee charged for entry of the "first" Amendment Under 37 C.F.R. §1.312).

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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